

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 February 2025

DOCKET NUMBER: AR20240005920

APPLICANT REQUESTS: exception to policy (ETP) to be paid Blended Retirement System Continuation Pay (BRS CP) after her 12-years of service eligibility to be paid BRS CP.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4856 (Developmental Counseling Form)
- E-mail from Army Reserve Career Counselor (ARCC)
- E-mail with ARCC
- Reserve Component Manpower System (RCMS) Soldier Data

FACTS:

1. The applicant states she requests an ETP to be paid Blended Retirement System Continuation Pay (BRS CP) after her 12-years of service for eligibility to be paid BRS CP. She missed the eligibility window due to unit misinformation and she was not informed of the program or her eligibility until just before the close of the eligibility window. As she is a Reservist, she does not check her military e-mail on a daily basis. The information was sent to her military e-mail address but it did not include any required forms or instruction on the application process. By the time, she was able to find any information on the BRS CP, she was outside her eligibility window.

2. A review of the applicant's service records shows:

a. On 15 March 2012, the applicant enlisted in the U. S. Army Reserve and had continuous service through reenlistments and extensions.

b. During the applicant's service, she was ordered to active duty for training and in support of Operation Enduring Freedom (Spartan Shield).

c. Soldier Management Services - WEB Portal (SMS WEB) shows the applicant's Pay Entry Base Date (PEBD) is 13 March 2012.

d. On 15 March 2020, the applicant reached 8-years of service based on her PEBD.

e. On 15 March 2024, the applicant reached 12-years of service based on her PEBD.

3. The applicant provides:

a. DA Form 4856 dated 21 March 2024 which shows she was counseled by the ARCC regarding her eligibility for BRS CP. It further states that she had completed no more than 12-years of service as calculated by her PEBD prior to enrolling in BRS and she agreed to serve and be eligible to enter into an agreement for no less than 4-years. The payment for the BRS CP would not be paid until her eligibility was verified.

b. On 7 March 2024, the ARCC sent the units in his area of responsibility an e-mail which provided a list of the name of Soldiers who may be eligible for BRS CP though the list was from the prior month. It further explained that Soldiers who were enrolled in BRS and had served more than 8-years but less than 12-years would be in the eligibility window and needed to be counseled from the ARCC. The e-mail was forwarded on to the respective eligible Soldier on the same day.

c. On 19 March 2024, the applicant e-mailed the ARCC requesting further guidance on the application process for BRS CP. She was then advised that based on the PEBD, she was past her 12-year mark which made her ineligible. Being the applicant was not aware of the program, the ARCC recommended she apply to the Army Review Boards Agency for reprieve.

d. Leave and Earnings Statement dated 15 March 2024 shows the retirement plan for the applicant was blank.

e. RCMS Soldier Data shows the applicant opted into the BRS on 30 October 2018.

4. On 30 January 2025, in the processing of this case, the Office of the Deputy Chief of Staff G1 provided an advisory opinion regarding the applicant's request for an ETP to be paid BRS CP. The advisory official stated after review of the applicant's application and supporting documents, it was determined their office did not support her request due to the lack of the BRS CP application form. The application must be completed in its entirety prior to submission for payment. Her claim would be reconsidered upon resubmission of a completed BRS CP application. The supporting documentation properly completed would indicate the authorized multiplier and compliance with the additional service obligation as required for BRS CP.

5. On 3 February 2025, the ARBA Case Management Division provided the applicant the advisory opinion for review and comment. The applicant has not responded.

6. On 21 February 2025, the applicant provided the BRS CP request form which shows she agrees to accept the continuation pay in the amount of four time her monthly basic pay for her current grade provided in a lump sum payment and she also agrees to the 4-years of additional obligated service. She signed the request for on 5 June 2024 which was certified and approved on 12 September 2024.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant’s contentions, the military record, and regulatory guidance were carefully considered. Based upon the email correspondence within the record showing the applicant was identified as potentially being eligible for BRS CP and the applicant’s statement reflecting she was not informed during her eligibility window, the Board concluded there was sufficient evidence to change the applicant’s military record to show she made a timely submission for BRS CP.

2. The Board noted the facts outlined in the advisory opinion concerning a lack of a complete application; however, if the applicant was previously identified to potentially being eligible for BRS CP, the Board found those facts outlined the advisory opinion were given in error.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:XXX	:XXX	:XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the applicant’s military record showing she made a timely submission for BRS CP and that the request was received by the appropriate agency in order to pay the applicant the appropriate BRS CP payment.

//SIGNED//

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CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Public Law 114-92, National Defense Authorization Action (NDAA) for Fiscal Year (FY 2016, section 634 (CP for Full Thrift Savings Plan (TSP) Member with 12-Years of Service), (a) CP, the Secretary concerned shall make a payment of CP to each full TSP member of the uniformed services under the jurisdiction of the Secretary who:

- completes 12 years of service; and
- enters into an agreement with the Secretary to serve for an additional 4-years of obligated service

a. Amount, the amount of CP payable to a full TSP member under subsection (a) shall be the amount that is equal to in the case of a member of a regular component: the monthly basic pay of the member at 12 years of service multiplied by 2.5; plus at the discretion of the Secretary concerned, the monthly basic pay of the member at 12-years of service multiplied by such number of months (not to exceed 13-months) as the Secretary concerned shall specify in the agreement of the member under subsection (a)

b. Timing of Payment, the Secretary concerned shall pay CP under subsection (a) to a full TSP member when the member completes 12 years of service. If the Secretary concerned also provides CP under subsection (c) to the member, that CP shall be provided when the member completes 12 years of service.

3. Title 37, USC, section 356 (CP) states:

a. The Secretary concerned shall pay CP under subsection (a) to a full TSP member when the member has completed not less than 8 and not more than 12 years of service in a uniformed service. Enters into an agreement with the Secretary to serve for not less than three additional years of obligated service. A full TSP member may elect to receive CP in a lump sum or in a series of not more than four payments.

b. Payment Amount—the Secretary concerned shall determine the payment amount under this section as a multiple of a full TSP member's monthly basic pay. The multiple for a full TSP member who is a member of a Reserve Component, if the member is performing Active Guard/Reserve duty (as defined in Title 10, USC, section 101(d)(6)), shall not be less than 2.5 times the member's monthly basic pay.

c. The maximum amount the Secretary concerned may pay a member under this section is — in the case of a member of a Regular Component—the monthly basic pay of the member at 12 years of service multiplied by 2.5.

4. Deputy Secretary of Defense Memorandum dated 18 December 2019, Subject: Implementation of the BRS, implements guidance for the BRS for the Uniformed Services, which was authorized in Public Law 114-92 section 631 through 635 of the National Defense Authorization Act (NDAA) for Fiscal Year 2016. Members of the Uniformed Service are covered under the provisions of the BRS who served in a Uniformed Service for fewer than 12-years as calculated from their PEBD.

5. Army Regulation 637-1 (Army Compensation and Entitlements Policy), provides Department of the Army (DA) policies for entitlements and collections of pay and allowances for active duty Soldiers. Paragraph 18-26 (Continuation Pay), the BRS provides for CP in exchange for additional service obligation by Soldiers when they reach between the 8 and 12-years point in their career. Soldiers will receive a minimum of 2.5 times base pay for Regular component and .5 times base pay for Reserve components if they commit to a minimum of 3-years of additional service.

6. Department of the Army Assistant Secretary of the Army Manpower and Reserve Affairs memorandum dated 2 March 2023, Subject: Blended Retirement (BRS) Continuation Pay (CP) – Calendar Year 2023 (CY23) states the guidance was effective immediately and expired on 31 December 2023 and it applied to Regular Army (RA), Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve Soldiers who were covered under the BRS.

For eligibility for RA Soldiers:

- covered under the BRS and has not previously received BRS CP; and

- will complete 12-years of service during the CY23 as computed from the Soldier's PEBD
- eligible to enter into an agreement to 4-year service the obligation period

For eligibility for Army Reserve Soldiers:

- covered under the BRS and has not previously received BRS CP; and
- will complete 11-years of service but not more than 12-years of service during the CY24 as computed from the Soldier's PEBD
- member of the Selected Reserve or otherwise a member of the Ready Reserve and eligible to receive basic pay or inactive duty pay; and
- eligible to enter into an agreement to 4-year service the obligation period

For eligibility for Army National Guard Soldiers:

- covered under the BRS and has not previously received BRS CP; and
- will complete 12-years of service during the CY23 as computed from the Soldier's PEBD
- member of the Selected Reserve or otherwise a member of the Ready Reserve and eligible to receive basic pay or inactive duty pay; and
- eligible to enter into an agreement to 4-year service the obligation period

//NOTHING FOLLOWS//